G R S App F IX 4]

1948 - 49

File No. 11-48

Previous References

(Ml)

Serial Nos. 60, 61

Later References
Ml 11-48 (90, 91)

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Two

P-26
E

Part B for March 49

SUBJECT

Recovery of advertisement charges from Sri R Ramachandra Rao Bhombore Ex-President, Mysore City municipality

To The Ml Comr Mysore City (through the Presdt

No L 10725/B 22-3 49

Vetoes the proposal

To Sri R Ramachandra Rao Bhombore

Memo No L 10726/B 22-3-49

U

2223

Recovery of advertisement charges from
Sir R Ramachandra Rao Bhimavaram

Letter No C 2 U 20/48-49 dated 13th September 1948 from the President, City MC Cl Mysore on the above subject.

For reasons set forth in detail in the above letter the President City MC Cl Mysore requests orders of Government for a sum of Rs 50-10-9 being recovered from Sir R. Ramachandra Rao Bhimavaram being the advertisement charges realised by him during 1947 to Mysore Patrika in contravention of Rule 7 of the resolution of the MC Cl dated 30-11-1936 Submitted for orders A copy of the resolution of the Mysore City MC Cl dated 30-6-48 ~~dated~~ 23/9/48 approving of the recovery is also enclosed

Pr 25 9 48

2/ For orders

The remarks of Sri Ramachandra Iyer may perhaps be noted

Thereafter may perhaps be placed

OFFICE OF THE MINISTER FOR LOCAL SELF GOVERNMENT
No 15550
Date 1948

3/ Sir
L S 8

4/ This may be referred to the Minister for City Municipalities

Sir
30/9/48

Sir
29/9

Sir
25/9/48

12

HL 4984

2223

Secretary
C & I & Labour

8
1/10

6) P Sahi 11
20/10

8
21/10

7) Dft letter
for sign

T E MIN ST R FOR CITY
MJ FALITIES AND MUZRAI
No 1446
Date 6-10-1948

8) Submitted with a draft letter for appl

Itor
22/10 [illegible]

9) Issue
DS
24/10/48

Issued in NDL 5-730 dated
29-11-48 to Sri R Ramachandra.
Bhambure, Retired Labour Commissioner
Ramji Rao Road, Basavangudi
Itor 1-12 NB Bangalore

Calls for the remarks on the proposal
yet ~~the explanation~~ as
why the amounts were fixed the

MC
4984

Recovery of advertisement charges from Sri R Ramachandra Rao Bhombore paid by him when he was President of Mysore City Mcty

Ser. 7) Letter dated the 3rd January 1949 from Sri R Ramachandra Rao Bhombore furnishing his remarks as called for and stating that the advertisement charges pay by him were within the rules.

10) Sri R Ramachandra Rao's letter (Copy may perhaps be forwarded to the Mysore City MC for their opinion on the explanation given by him sought for vide

I & O
13 | 49 Pt 14-1-49

11) * The decision in this case hinges upon the interpretation of the word "privilege" whether the giving of "municipal advertisements relating to the amendments/bylaws or rules levy of taxes "paying the charges thereof to the editor of ... would constitute a ... conferred upon the ...

5164 2223

As the point for consideration

the opinion of the Law Department might be obtained thereon, in view of the interpretation put upon it by the M.L.C. & Sri Ramachandra Rao Bhombore

Seal regd 15/1/49

17/1

Sd

Under

1 1 .

12) For favour of remarks

17/1/49

Sd/1911

13 Law Secy

18/1/49

1888/1911

13a)

The City Municipal Council, Mysore, have resolved that giving advertisement to a Newspaper is a privilege; & that in as much as Sri Ramachandra Rao Bhombore, who gave certain advertisement to the "Mysore Pathirike" against the resolution of the Municipal Council that all privileges to the said Newspaper should be with-held, the charges paid to the paper should be recovered from him

14) The explanation offered by the Ex-Chairman in detail is for kind perusal He states that he with-held all other "Privileges" and that giving advertisement to the Newspaper did not constitute any privilage

15) "Privilege" is a particular and peculiar benefit or advantage enjoyed by a person beyond the common advantage of other persons. Giving advertisements to the newspaper of Municipal Notifications cannot be deemed to be a pecular benefit unless rates higher than those paid to others have

5164/(20) 5

44
2223
164954

N Rly - Charges of debt for ex President Sir R R Blenkinsop

have been paid to the paper / No special concessions appears to have been shown to the paper in question and does not therefore appeared to have transgressed the resolution of the Municipality Moreover this objection of the Municipality could have been taken at the time of the payments made to the paper for charges incurred in connection with the publication of the Municipal Notifications The Ex-Municipal President has made payments in the course of his official duties and there is no malafides in such act As he has acted bonafides in the best interest of the unicipal administration he does not seem to have shown any special privilege to the paper is not entitled to refund the amount-

Law Secy) 21/1
please put up
Addl Municipalities Act
1883
21/1

16)

17) When were the bills paid may be called for
1883
22/1

18) Asst Secy L S G) for Hon'ble Minister
21/1/49

(19) Submitted with a draft letter calling for the information required in para 17 supra.

20) Issued
26/1/49

Issued vide N L 8669 dt 31-1-49 to the Municipal Commr, Rajahmundry Calls for certain information

MC
6013

Recovery of certain advertisement charges from the Ex-President, Mysore City Municipality, Sri R. R Bhimbone

5161

Letter No C 3 P 20/48-49 dated the 5th February 1949 from the President, City Municipal Council Mysore forwarding the information called for

21) The President states that the amount has not yet been found, as the same has been held under objection

Ref. para 17 supra

for 10 2 49 Re 11 2 49 21) may be sent to the Law Dept. with reference to para 17 supra

Law Dept. for 11/2/49

111

I DEPARTT
14 FEB 1949

24) Law Dept. 12/2/49

Put up

8/2/49

7 s 164/ Law 9

Recovery of salem charges - from Sri R R Bhambhani

WP 6013

2) submitted with reference to para 17 of the note supra it is stated that the amount has not yet been paid to the party

NKH 15/2/49

fr 15 2

Law Secy)

5 FEB 1949 - MYSORE -

3) Since the amount has not been paid to the party, the question of its recovery from the then president does not arise

1884 15/2/49

Genl Secy WPC)

fr 21 2

and 23/2

or 23/2 written Law 24/2/49

4) The President, City Municipal Council, Mysore may, if approved, be informed as above, after the approval by the Minister for City Municipalities Mysore.

Addl 24 2 Govt 28) It appeared that there will not be a solution to the present problem the facts which has granted the advantages under a proper authority (at any rate as it appeared to them) cannot be denied payment and the question who has to pay these charges hinges on the interpretation of the term "privileges" for which legal opinion was sought, as per paras 11 and 12 supra

6 8

4 6013/2

29) Para 26 of the notes supra does not furnish grounds in the point of law raised in para 12 above by the interpretation of the term or privileges" It is not therefore helpful for the solution of the problem in this case.

30) If approved, the grounds given in para 15 may be accepted & a reply sent accordingly. Otherwise, the remarks of the Advocate General may be taken into consideration & reference made to Govt accordingly.

28/2

31) To submit

Dr 4/2/69

A 11/2/69

32) Paras 13 to 15 of the note supra may be needed and no legal opinion may be accepted from Bombay City Municipal Council may be required and the said amount if so required can be moved from the Bombay, and CAD

Dr 7/3/69

REGISTRAR FOR CITY MUNICIPALITY AND MUNICIPAL No 3963 Date 9/3/1969

Bombay City Municipal Act)

33) 11/3 11/3/69

ML
6013

34) Draft letter
12/8/49

35) Submitted with a draft letter
for approval

DOD
15 3 49 Pr 15 3 49

Issued
16/8/49

Issued in WOL 1072S-/ML
11-48-61 & 22-3-49 from
ML Comm Office dep-dpty
to the retired Lobby Comm
for R. R. Thornborough Esq

Returned for approval

B
DOD
5/4/49

Office of the President
City Municipal Council Mysore

No Encl C2P20 48-49 enclosures Date 13th Sept 48

From

P Sitaramiah Esq B A B L
PRESIDENT CITY MUNICIPAL COUNCIL
MYSORE

16/9/48

GENERAL & REVENUE SECRETARIAT
16 SEP 1948
2223
MUNICIPAL BRANCH

Janab Syed Abdul Aleem, B A ,
Secretary to Government,
Revenue Department,
Bangalore

Sir,

Subject - Recovery of advertisement charges from Sri. R Ramachandra Rao Bhombore

I have the honour to state that there were only three vernacular dailies in the City in 1945-46 and 46-47 viz , Mysore Patrike, Sadhvi and Satyavadi and Municipal advertisements were being given to these three papers for wide publication Consequent on the publication of an article in the Mysore Patrike making certain incorrect comments on the administration of the Municipality, and the refusal of the Editor to publish a contradiction sent by the then in-charge President, the Council at their meeting held on 30-11-1936 = 1946 ? resolved as follows -

"Where the Editor and Publisher of Mysore Patrike has been discourteous to the Municipal Council in not publishing the contradictions issued by in-charge President, regarding an article that appeared as in the said paper under the caption 'ಪ್ರಾಣಿಯಂತೆ ಕಣ್ಣಿನಿಂದ' in connection with the Namakarana function of the newly born Princess, resolved that privileges given to the said Editor and Publisher by this Council be withdrawn, if the Editor does not make amends within a week " The Editor was informed of the above resolution But he did not publish any statement contradicting the original article referred to above Thereon subscription to the above was stopped

The term 'privilege' was taken to mean conferring of or granting special concession or showing a special consideration such as in the purchasing of a number of copies or payment of a grant or an invitation to a special function, or privilege to attend meetings of the Council In this view ordinary business advertisements and notifications pertaining to the amendment of bye-laws etc , were being sent to this paper as also to other papers under the orders of the then President

When the bills of the Mysore Patrike for publication charges were sent for countersignature to the then Vice-President they were not countersigned on the score that the privileges implied giving of advertisements also but the then President was not of the same opinion and ordered the payment of the bil When they were sent up for audit, the Auditor wanted the term 'privilege' to be clarified by the Council The subject was therefore again brought before the Managing Committee for clarification The Managing Committee resolved at their meeting held on 21-7-1947 that the term 'privilege' includes the giving of invitations to the Municipal functions, giving of advertisements and also subscribing to the papers The same was approved by the Council at their meeting held on 31-7-47 (copies of the above resolutions are enclosed for kind perusal) After this no advertisements have been given to the paper in question But three bills noted below* aggregating to Rs 50-10-8 were with-held in audit for want of sanction of Council When the subject was placed before the Council, they resolved on 30-6-48 that these charges should be recovered from the then President Sri R Ramachandra Rao Bhombore, as he was responsible for giving these advertisements after the passing of the Council resolution dated 30-11-1946 In enclosing a copy of the resolution of the Council, I request you kindly to obtain necessary orders for the above sum of Rs 50-10-8 being recovered from Sri R,Ramachandra Rao Bhombore

Early orders of Government in the matter are requested

Yours faithfully,

PRESIDENT

1 Bill No 34/22-7-47 Notification calling for tenders for supply of materials Rs 21-5-4

2 Bill No 44/26-7 47 Notification re levy of one annas per carcas carried in the Municipal van 16-0-0

3 Bill No 46/28-7-47 framing of bye-laws for the regulation and control of hotels 13-5-4

Total Rs 50-10-8

Proceedings of the Adjourned General Meeting of the Mysore City Municipal Council held in the Municipal Offices on Wednesday the 30th June 1948 at 4 P M

1094 Office note dated 2-6-1948 regarding the recovery of advertisement charges paid to the Editor, Mysore Patrike

Resolved that these charges amounting to Rs 50-10-8 should be recovered from the then President Sri Ramachandra Rao Bhombore as he was responsible for giving this advertisement and hence causing loss to the Municipality

Sd P Sitharamiah,
President

Copy

President

Proceedings of the Ordinary Meeting of the Municipal Council held on Thursday the 31st July 1947 at 4 P M in the Municipal Office

---

72 Managing Committee Res No 8/22-7-47 opining on the Subject about the clarification of the term ' Privileges' to be withdrawn in respect of the Mysore Patrike, that the term ' privileges' as used in the resolution includes invitations to the Municipal functions giving of advertisements, subscribing of the paper

Approved one opposing

Sd T Narasimha Iyengar
President

Copy

O Srinivasa

President

PSK

Proceedings of the Ordinary General Meeting of the Managing Committee held on Tuesday the 22-7-47 at 5 P M in the Municipal Office

---

Deferred subject 362/20-6-47 of the managing committee regarding the office note dated 17-6-47 about the clarification of the term 'Privileg to be withdrawn in respect of Mysore Patrike as resolved by the council on 30-11-46

The Committee openies that the term 'provilages as used in the resolution includes invitation to the Municipal Functions giving of advertisements and subscribing to the paper

Sd T Narasimha Iyengar
President

Copy
O Madan Gopal
President

d 5730 Dt 29-11-48
Encl 2

6

To

Sri R Ramachandra Rao
Bhombone, BA,
Commissioner for Labour and
Retired Deputy Commissioner
Depressed classes,
Ramaji Rao Road
Basavanpur Post
Bangalore 4

Subject Recovery of advertisement charges from Rs to Rupees Patanka from the Rupees City Milly Funds

Sir

In forwarding herewith

a Copy of letter no C2 P20/168
dated 13th Sept 1946 of the President's
Adyar H.Q. Hqrs. together with
- Copy of the resolution of the
H.L.C. on the above subject
I am directed to request
that your remarks on
the proposal may be
kindly forwarded at an early date.

Yours faithfully
for
for Secy to Govt
Revenue Dept

GENERAL & REVENUE SECRETARIAT
4984
10 JAN 1949
MUNICIPAL BRANCH

To

The Secretary to the Government of
H H the Maharaja of Mysore,
Revenue Department,
Bangalore.

Sir,

With reference to your letter No L 3730 dated 29-11-48 re advertisement charges paid to Mysore Patrike, I beg to state that I have perused the resolution dated 30-11-46 of the Mysore City Municipal Council that the " privileges " given to the Editor and Publisher of Mysore Patrike be withdrawn and also resolution dated 30-6-48 of the Council that the charges namely, Rs 50-10-8 paid to this Editor for publishing notifications and bye-laws be recovered from me I remember I was on leave at the time the first resolution dated 30-11-46 was passed saying that the privileges given to the said Editor and Publisher by this Council be withdrawn After I returned to duty I witheld intimations to attend Municipal meetings, stopped subscription to the paper and cancelled issue of invitations to that Editor to Municipal functions

As stated in the letter of the President, ordinary business advertisements, notifications pertaining to levy of taxes and amendments of byelaws were continued to be sent to this and other Newspapers as usual, as no question of special privileges was involved in doing so

I beg to submit that publication of byelaws and notifications were necessary and payment of charges therefor was simply a payment in return to services rendered by anyone It was a routine business transaction conferring no privilege on any Editor or Publisher who rendered the service at the ordinary rates There were three Kannada Papers in Mysore City and the practice was to send notifications etc to all these three papers to ensure quick and effective publication by giving a chance to the largest number of ratepayers to know these notifications etc I submit that in my not omitting for this publication the Mysore Patrike which was a Daily and very cheap paper, I have secured as per

Rules, quick and very wide publication of the notifications etc Payment of wages at ordinary rates for work done was not a matter of continuing or extending any "Privilege" I did not withhold publication in other Papers preferring only the Mysore Patrike nor any special rates of advertisement were given to this one Paper over and above the other two as such, the payment made for the work done for the Municipality as others would do, does not go against the withdrawl of the privileges to the Mysore Patrike

The term "Privilege" is defined in the dictionary, (Annandale) as - a separate and personal advantage, a right or advantage enjoyed by a person to which others are not entitled, a private or personal favour enjoyed, a peculiar advantage It does not therefore mean that paymert for work done by a labourer is bestowing a privilege on him I submit that I have not transgressed against the resolution of the Council dated 30-11-46 and that the subsequent amplification of the withdrawl of the privilege is not warranted, so as to include payment for necessary work done, not for me, but for the Municipality

From the above submission it is evident that I have caused no loss to the Municipality nor have I disregarded the resolution of the Council

As the Municipal President, Chairman of the City Improvement Trust Board, Chief Rationing Officer, Director of Akasha Vani, President and Chairman of more than a dozen Trusts Charities and Committees, in spite of difficult and strenuous times, I ~~xxxxxx~~ exerted to give satisfaction by serving the Government and the public and earned their appreciation and good remarks The Municipal administration was maintained at efficient level as could be seen from the opinion expressed from time to time by the Council and the appreciation by the Government in their reviews As Official President of the status of a Senior Deputy Commissioner, I quite realised my duties and responsibilities and administered the affairs of the Municipality with great care and sincere devotion This is evident from the fact that the financial position (taking one aspect) of the Municipality improved year by year

The income rose from Rs 11,32,899 in 43-44 to Rs 21,01, 834 in 46-47 Municipal taxes went up from Rs 7,98,076 in 43-44 to Rs 9,71,41- in 46-47 Not only were new sources of income tapped, but I stopped leakage and wastage of funds with the result, that Octroi, Market fees etc vastly increased For instance, Octroi rose from Rs 2,77,272 in 43-44 to Rs 4,01,913 in 46-47 Besides this, I obtained big donations for several charities and institution connected with the Municipality, such as, Child Welfare, Maternity Homes and Hospitals, Feeding the Poor and Orphans, Beggars' Relief Scout Home etc , The generous response from the public exceeded Rs Five lakhs I am happy and grateful to state that His Highness the Maharaja graciously donated big sums for the relief of the decrepit and indigent persons Other distinguished donors were the then Dewan, Pradhanasiromani N Madhava Rao and Dr Rao, Consular General to the Republic of China The la ter gentleman donated a big sum of Rs 10,000 after his visit to the Child Welfare and other charitable centres Important schemes for relieving drinking water difficulty, for underground sewerage, for formation of building sites, construction of houses etc etc , were launched and much progress was achieved The Government were convinced of my earnestness and the utility of the schemes and sanctioned big grants During my 30 years of service, I have been entrusted with responsible duties and funds Never have I caused loss by carelessness or violation of the instructions In obedience to the resolution of the Council I withdrew all "privileges' which the Municipality had ex ended to the Mysore Patrike The doing some job to the Municipality and receiving minimum wages therefor cannot be construed as being bestowed with a "privilege" or continuing a "privilege' that was withdrawn

I am highly grateful to the Government for kindly giving me an opportunity to submit my remarks on the alleged loss I am unnecessarily deemed to have caused to the Municipal Council and

and I pray that this respectful submission will meet with the kind approval of the benign Government

I beg to remain,
Sir,
Your most obedient servant,

Bangalore City
Dated 3rd January 1949

Retd Labour Commissioner et

L8669 12
31-1-49

To
The Municipal Commissioner
Kuppam City
(Thro the P.H.)

Subject: Recovery of certain advertisement charges from the Ex-President, Kuppam City Municipality, Sri R. R Bhombore.

Sir, With reference to your Letter No C2 P20 dated the 13th September 1948 on the

13

above subject- I am
directed to enquire
when the bills referred
to therein were actually
paid

Yours faithfully
for Secretary to Govt
PWD General Dept
25-1-49

C3 P20 Mt 11-48-60 6013/11

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL MYSORE
Date 5th Feb 49

From

T VENKATARAMANIAH
President City Municipal Council
MYSORE

To

Janab Mir Safdar Hussain, B A ,
Secretary to Government,
General Department,
Bangalore

Sir,

Subject - Recovery of certain advertisement charges from the Ex-President, Mysore City Municipality Sri R R Bhombore

---

With reference to your letter No L 8669 dated 31-1-1949, regarding the above, I have the honour to state that the bills referred to in the letter of this office No C2 P 20 dated 13th September 1948 have not yet been paid, as the same have been held under objection I request that early orders of Government may kindly be obtained and communicated for taking further action

Yours faithfully,

T Venkata Ramaiah

PRESIDENT

SNR

3 GR 10725-1 pt 11-48 61/15
24/3/49

To

The Municipal Commr
Mysore City
(Through the President)

Subject - Recovery of certain advertisement charges from Sri R Ramachandra Rao Bhonsle Ex President, Mysore City Municipality

Sir, - With reference to the correspondence ending with the President's letter No C3 P320 dated the 5-II February 1949 on the above subject - I am directed to state that Govt are unable to agree to the remission of the amount

16

of Rs 50 10 8
returned to ~~in this letter No. dated~~
~~dated 13th September 1948~~
Communication received from
Sri R Ramachandra Rao
Chairman ex-President of the
Municipality
as the payment of advance sheet charges is only a
payment for work done for the Municipality and
cannot be construed as a privilege conferred on the
newspaper in question

Yours faithfully
for
16/3/49
for General Dept

L 10725/RE II 48 61
Copy forwarded 22/3/49 to Sri
R Ramachandra Rao Chairman
Relief Labour Camp
Ramachandrapuram for info-
Bo
for Secl
15/3/49 Sfr 15/3/49

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L 10725 | rel 11-48-61

General and Revenue Secretariat

Dated Bangalore 22-3-1949

FROM

The Secretary to the Government of
His Highness the Maharaja of Mysore

General Department

To

The Municipal Commissioner,
Mysore City,
(Through the President)

SIR

SUBJECT: Recovery of certain advertisement charges from Sri R Ramachandra Rao Bhombore, Ex-President, Mysore City Municipality

---

With reference to the correspondence ending with the President's letter No C3 P 20 dated the 5th February 1949 on the above subject, I am directed to state that Government consider that the amount of Rs 50-10-8 referred to cannot be recovered from Sri R Ramachandra Rao Bhombore, Ex-President of the Mysore City Municipality as the payment of advertisement charges is only a payment for work done for the Municipality and cannot be construed as a privilege conferred on the newspaper in question

Yours faithfully,

Sd/- Mir Safdar Hussain,
Secretary to Government,
General Department

Memo No L 10726 | rel — dt 22 3 49

Copy of the above is forwarded, with compliments, to Sri R Ramachadra Rao Bhombore, retired Labour Commissioner in Mysore, Bangalore, for information

By Order,

For Secretary to Government,
General Department